

VZCZCXRO2350
PP RUEHROV
DE RUEHNR #5345/01 3561005
ZNR UUUUU ZZH
P 221005Z DEC 06
FM AMEMBASSY NAIROBI
TO RUEHC/SECSTATE WASHDC PRIORITY 6148
INFO RUCNIAD/IGAD COLLECTIVE
RHMFIUU/CJTF HOA

UNCLAS SECTION 01 OF 02 NAIROBI 005345

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STATE FOR S/CT - RHONDA SHORE, S/CT BRIAN PHIPPS

E.O.12958: N/A

TAGS: [PTER](#) [ASEC](#) [EFIN](#) [KE](#)

SUBJECT: KENYA: 2006 COUNTRY REPORT ON TERRORISM

REF: A) SECSTATE 177128
B) SECSTATE 175295

¶1. (U) This is post's submission for the 2006 Country Report on Terrorism. Begin text:

¶2. (SBU) The government of Kenya continued to cooperate with the United States in identifying terrorist groups operating within Kenya. However, more work remains to be done in domestic areas such as law enforcement, enacting counterterrorism legislation, and prosecution of alleged terror suspects. The Council of Islamic Courts, which has connections to terrorist organizations, rose to power in much of neighboring Somalia, a move that could lead to greater insecurity in northeastern Kenya, with its ethnic Somali population. Many Kenyans and other observers blame the well-armed condition of robbers and carjackers on arms smuggling across the porous Kenya-Somalia border. The ready availability of fraudulent relationship and identification documentation among Somalis raises terrorism vulnerabilities.

¶3. (SBU) Kenya registered little progress toward the overall strengthening of its capabilities to combat terrorism, prosecute terror suspects, or respond to emergencies. The U.S.-supported Joint Terrorism Task Force (JTTF), disbanded by the government of Kenya in 2005, was not revived. The Government of Kenya did not engage in a national discussion to sensitize the public to terrorism issues, nor did it finalize a national counterterrorism strategy.

¶4. (SBU) Although Kenya still lacked counterterrorism legislation, the government made some legislative progress. Kenya has previously drafted but has still not submitted to Parliament a counterterrorism finance bill that, along with other legislation, is needed to bring the country into compliance with relevant UN resolutions. In April 2003, Kenya published a draft "Suppression of Terrorism Bill," only to withdraw it after harsh criticism from human rights groups and Kenyan Muslim communities. The Kenyan government wrote another draft of the bill in May, according to the UN Office on Drugs and Crime, but, like the year before, did not officially publish the document or submit it to Parliament. In November, the government published the text of the Proceeds of Crime and Money Laundering Bill for public comment, but did not submit it to Parliament. Until the bill is passed, Kenya has no way to effectively implement UN 1267 Committee terrorist finance sanction designations. The Central Bank of Kenya issued guidelines effective January 1, 2007 under Section 33K of the Central Bank of Kenya Act to strengthen controls over foreign exchange bureaus to regulate their use of third party checks and telegraphic transfers, transactions that may have previously been used for money laundering or terrorist finance.

¶5. (SBU) There continued to be insufficient coordination among police, prosecutors, and other relevant government ministries that deal with terrorism issues. The U.S. Embassy's Regional Security Officer, in conjunction with the State Department's Antiterrorism Assistance Program and the State Department-funded Department of

Justice Resident Legal Advisor's Office, continued to focus on increasing the Kenyan Government's capacity to effectively investigate and prosecute terrorism through a wide variety of training programs and capacity-building and other assistance. Other U.S. government agencies and departments offering extensive training and assistance in this regard include the Combined Joint Task Force-Horn of Africa, the Navy Seals, the Department of Transportation, the FBI, and the Departments of Homeland Security and Justice.

¶6. (SBU) Although Kenyan officials are concerned about the possibility of terrorist threats from Somalia, it remains unclear just how far the government of Kenya, particularly the Ministry of Internal Security and the Kenyan version of the National Security Council, is willing to cooperate with the US when it comes to terrorism issues regarding Somalia. In the run-up to presidential elections in 2007, passage of the controversial anti-terrorism bill is unlikely.

¶7. (SBU) ATA-trained police investigators and counterterrorism prosecutors are credited with the re-arrest and successful prosecution of Kikambala bombing suspect Omar Said Omar after his acquittal on the main charge. (Fifteen people were killed in the 2002 bombing of the Paradise Hotel in Kikambala, Kenya.) On April 4, 2006, a Kenyan Magistrate Judge found terrorism suspect Omar Said Omar guilty of illegal possession of a firearm, ammunition, and explosives. He was sentenced to seven/eight years in prison.

¶8. (SBU) While FAA and TSA training efforts in recent years improved aviation security, consistent enforcement of security procedures and planning remained a challenge, particularly at Wilson airport. Security has improved at Kenya's main air entry point, Jomo Kenyatta International Airport. In November 2006, the Kenyan government effectively banned all flights to/from Somalia except for

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humanitarian aid flights and flights to the Transitional Federal Government's center of Baidoa. It is unclear how long the order will stand, especially in view of political pressure from growers of miraa, or qat, who have been deprived of their main market by the ban.

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